

Message Text

SECRET

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51

ACTION SS-30

INFO OCT-01 ISO-00 /031 W

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R 131345Z SEP 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 9168

INFO AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY SEOUL

AMEMBASSY MOSCOW

S E C R E T NAIROBI 7854

EXDIS

E.O. 11652: GDS

TAGS: ESTC, MASS, KN, KE, TZ, UG, US

SUBJ: POSSIBLE SALE OF EAST AFRICAN AIRWAYS VC-10 AIRCRAFT
TO NORTH KOREA

1. CAPT. ROBERT W. RIVENBARK, EASTERN AIRLINES EMPLOYEE
SECONDED TO EAST AFRICAN AIRWAYS AS MANAGEMENT OFFICIAL,
CALLED ON AMBASSADOR AND DCM TODAY TO SEEK GUIDANCE RE
LEGALITY INsofar AS US IS CONCERNED OF POSSIBLE SALE OF
FOUR EAST AFRICAN VC-10 AIRCRAFT TO NORTH KOREA. HE
SPECIFICALLY ASKED WHETHER THERE WOULD BE ANY US LEGAL
RESTRICTIONS WHICH COULD AFFECT TRANSFER OF VC-10
AND EQUIPMENT TO NORTH KOREA AND WHETHER HE AS AN
AMERICAN CITIZEN IS IN ANY DANGER OF VIOLATING US LAW
BY PARTICIPATING AS EAST AFRICAN AIRWAYS OFFICIAL IN
NEGOTIATIONS TO SELL THESE AIRCRAFT.

2. WE ADVISED RIVENBARK OF GENERAL NATURE US RESTRICTIONS
ON RE-TRANSFERS OF US EQUIPMENT AND TECHNOLOGY OF POSSIBLE
MILITARY VALUE, AND SUGGESTED THAT HE ASCERTAIN WHETHER
AIRCRAFT IN QUESTION HAVE US-BUILT OR LICENSED COMPONENTS
OR EQUIPMENT. HE AGREED TO DO SO AND TO ADVISE US
ACCORDINGLY SO THAT WE COULD DETERMINE WHAT IF ANY ITEMS

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WOULD REQUIRE USG APPROVAL FOR TRANSFER TO NORTH KOREA.

3. WE TOLD RIVENBARK WE WERE UNCERTAIN WHETHER AS EAST AFRICAN OFFICIAL HE WOULD BE IN DANGER OF PERSONALLY VIOLATING US LAWS SUCH AS TRADING WITH ENEMY ACT OR BATTLE ACT, BUT THAT WE WOULD QUERY DEPARTMENT AND ADVISE HIM ACCORDINGLY. WOULD APPRECIATE GUIDANCE ON THIS POINT WITHIN ONE WEEK IF AT ALL POSSIBLE.

4. RIVENBARK REQUESTED THAT THIS INFORMATION ON AIRCRAFT NEGOTIATIONS BE VERY CLOSELY HELD AS NORTH KOREANS EXTREMELY SKITTISH ABOUT HAVING IT GET BACK TO SOVIETS WHO ARE PRESSING THEM VERY HARD TO BUY IL-62S WHICH NORTH KOREANS DO NOT WANT. IF SALE CAN BE CONSUMMATED, EAST AFRICAN AIRWAYS PLANS TO REPLACE VC-10S WITH NEW LONG-RANGE AMERICAN AIRCRAFT.

5. WE ASSUME THAT SECTION 15 OF BATTLE ACT WOULD ALSO BE RELEVANT TO PROPOSED AIRCRAFT SALE INASMUCH AS KENYA IS RECIPIENT OF US ASSISTANCE. THEREFORE, IT WOULD SEEM TO US THAT JOINT OWNERS OF EAST AFRICAN AIRWAYS -- KENYA, TANZANIA, AND UGANDA -- WOULD HAVE TO SEEK USG PERMISSION TO MAKE SALE IN ORDER NOT TO JEOPARDIZE PRESENT OR FUTURE AID PROGRAMS. PLEASE ADVISE WHETHER OUR ASSUMPTION CORRECT.

6. WOULD APPRECIATE ANY OTHER INFORMATION AND GUIDANCE PERTINENT TO PROPOSED AIRCRAFT SALE WHICH WE SHOULD TRANSMIT TO RIVENBARK OR OTHER CONCERNED PARTIES.
MARSHALL

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NNN

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